

The Commission met on **Friday, April 17, 2015**, with Chair Heydinger and Commissioners Lange, Lipschultz, Tuma, and Wergin present.

The following matters were taken up by the Commission:

## **TELECOMMUNICATIONS AGENDA**

### **P-999/R-13-459**

#### **In the Matter of Possible Amendments to Rules Concerning White Pages Directory Publication and Distribution**

Chair Heydinger moved that the Commission amend the proposed rule to modify the sentence stating “Any electronic directory a local service provider directs its customers to shall comply with subpart 1 and part 7810.2950” to read “A local service provider shall only direct its customers to an electronically published directory that complies with subpart 1 and part 7810.2950.”

The motion passed 5 – 0.

Chair Heydinger moved that the Commission

1. Approve the proposed rule, as amended, and authorize staff to take the necessary steps to continue the rulemaking process and finalize adoption of the rule.
2. Delegate to Commissioner Wergin authority to make necessary, non-substantive edits to the rule that may be required after OAH’s review pursuant to Minn. R. 1400.2310.

The motion passed 5 – 0.

### **P-999/M-13-138**

#### **In the Matter of TAM’s Audit Plan**

Commissioner Lange moved that the Commission approve a budget of \$100,000 for the TAM Audit.

The motion passed 5-0.

**P-421, 5561, 430/IC-14-189**

**In the Matter of the Petition of Hutchinson Telecommunications for Arbitration of an Interconnection Agreement with CenturyLink EQ Pursuant to 47 U.S.C. § 252(b)**

Commissioner Lipschultz recused himself from participation in this docket and left the meeting.

*Good Faith Negotiations (¶¶ 232-239)*

Commissioner Wergin moved to modify the January 16, 2015 Arbitrator’s Report prepared by the Administrative Law Judge (Administrative Law Judge’s Report, or ALJ Report) by doing the following:

1. Striking ¶¶ 232-239.
2. Striking from page 2 of the ALJ Report the sentence: “The Administrative Law Judge recommends that there be no finding that CenturyLink EQ negotiated in bad faith.”

The motion passed 4 – 0.

*Tally of Disputed Issues (¶ 16)*

Commissioner Wergin moved to modify ¶ 16 of the ALJ Report as follows: “Following the hearing, the parties continued to exchange proposals and ~~34~~ 11 more issues were resolved, leaving 46 unresolved issues.”

The motion passed 4 – 0.

*Undisputed Issues (¶ 21)*

Commissioner Wergin moved to modify the ALJ Report by striking ¶ 21.

The motion passed 4 – 0.

*Issue 24, part 1: Identification of Technically Feasible Points*

Commissioner Wergin moved, with respect to Issue 24, part 1: Identification of Technically Feasible Points, to not modify the ALJ Report.

Commissioner Wergin amended her motion to do the following:

1. Modify ¶ 38 as follows:

HTI's proposal should be adopted in part. The following language should be approved for the first paragraph proposed in Issue 24:

*39.1 Technically Feasible. In addition to the technically feasible points listed in 47 C.F.R. § 51.305(a)(2), CLEC shall be entitled to interconnection at any technically feasible point within CenturyLink's network, including but not limited to:*

- a. *CenturyLink hand holes or manholes;*
- b. *CenturyLink controlled environment vaults;*
- c. *CenturyLink central office;*
- d. *Third Party locations where CenturyLink has established facilities for the purpose of interconnection with other carriers.*

2. Strike ¶ 40 in entirety.

The motion passed 4 – 0.

*Issue 7: Meet Point Interconnection Arrangement*

Commissioner Wergin moved, with respect to Issue 7, to not modify the ALJ Report.

The motion passed 4 – 0.

*Issues 8 & 39: Mid-Span Fiber Meet Method of Interconnection*

Commissioner Wergin moved, with respect to Issues 8 & 39, to not modify the ALJ Report.

The motion passed 4 – 0.

*Issues 33, 37, 41, 42, and 47: Reciprocal Compensation*

Commissioner Wergin moved, with respect to Issues 33, 37, 41, 42, and 47, not to modify the ALJ Report.

Commissioner Wergin amended her motion to modify ¶ 129 of the ALJ Report as follows:

Regarding the existing St. Cloud interconnection arrangement under the current interconnection agreement that HTI requested be continued with the point of interconnection at the (Qwest) St. Cloud Tandem, that tandem is a significant part of CenturyLink EQ's network and substantially within it. ~~CenturyLink EQ claims that the St. Cloud POI is not on its network because it is not in its service area, so HTI cannot request interconnection there. This argument was accepted in Issue 24 regarding the carrier hotels in Minneapolis because they were not "within"~~

~~CenturyLink EQ's network. The network configuration in the St. Cloud LATA appears to be much different. Mr. Easton's Ex. WRE-3 shows the CenturyLink EQ-QC tandem in St. Cloud serving ten CenturyLink EQ end office switches around the tandem with names indicating them to be in central to western Minnesota. That tandem is a significant part of CenturyLink EQ's network and substantially within it.~~

The motion passed 4 – 0.

*Issues 43 & 68: Proposed Bona Fide Request Process*

Commissioner Wergin moved, with respect to Issues 43 & 68, not to modify the ALJ Report.

The motion passed 4 – 0.

*Issues 54 & 57: Establishment of Trunk Groups*

Commissioner Wergin moved to modify the ALJ Report to exclude the language regarding one-way trunk groups that is not agreed to by the parties.

The motion passed 4 – 0.

*Issue 76: Bona Fide Request (BFR) Request History*

Commissioner Wergin moved to modify the ALJ Report to require the creation of a bona fide request (BFR) information data base for BFRs that were deployed, denied, in effect since 2010.

The motion passed 4 – 0.

*Issue 24, part 2: Disclosure of Connections with Other Carriers*

Commissioner Wergin moved to modify ALJ Report ¶ 53 as follows:

CenturyLink shall disclose to CLEC three pieces of information -- (1) the CenturyLink EQ switch code; (2) the Point of Interconnection CLLI code or the physical location, and (3) the interface level -- for all locations within a LATA where CenturyLink has established facilities for interconnection with a third party carrier. This existing interconnection information shall be provided within 15 business days of a written request from CLEC that specifies the geographic area of the customers it plans to serve.

The motion passed 4 – 0.

*Resolution of All Disputed Issues*

Commissioner Wergin moved to do the following:

1. Accept the ALJ Report as modified except as inconsistent with this motion.
2. Find that the ALJ Report, as modified, resolves the arbitrated issues pursuant to § 252 (b) through (d) of the federal Telecommunications Act of 1996 (the Act).

The motion passed 4 – 0.

*Approval/Rejection of Entire Agreement*

Commissioner Wergin moved to direct Hutchinson Telecommunications, Inc., and Embarq Minnesota d/b/a CenturyLink EQ to submit their entire agreement (negotiated and arbitrated terms) within 30 days for review pursuant to § 252(e) of the Act.

The motion passed 4 – 0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: July 8, 2015**



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**Daniel P. Wolf, Executive Secretary**